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[10191/2132] JEW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Werner POECHMULLER et al.
Serial No. : 10/026,087
Filing Date : December 21, 2001
For : DEVICE FOR DATA RECEPTION VIA RADIO SIGNALS
IN A MOTOR VEHICLE
Group Art Unit : 2673
Examiner : Amare Mengistu

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date:

October 23, 2006

Signature:

Chia Lin

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)**

SIR:

Applicants respectfully petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment in connection with the above-captioned application.

Applicants received a "Notice of Abandonment" dated September 6, 2006, which indicates that the above-captioned "application is abandoned in view of . . . Applicant's failure to timely file a proper reply to the Office letter mailed on 19 September 2005."

Applicants filed a Notice of Appeal including a Certificate of Mailing pursuant to 37 C.F.R. § 1.8, certifying that the Notice of Appeal was being deposited with the United States Postal Service on March 20, 2006. The Notice of Appeal also included a request for a three-month extension of time (and authorized payment of the associated fee), extending the response date to the Office letter of September 19, 2005 from December 19, 2005 to March 20, 2006 (since March 19, 2006 fell on a Sunday).

As evidence of the filing of the Notice of Appeal on March 20, 2006, enclosed herewith is a copy of the filed Notice of Appeal obtained from the Patent Application Information Retrieval (PAIR) system on the United States Patent and Trademark Office (USPTO) website and a copy of the date-stamped return postcard that indicates receipt of that

Notice of Appeal by the USPTO. The enclosed return receipt postcard serves as *prima facie* evidence of receipt in the USPTO of the Notice of Appeal, on the date stamped thereon, *i.e.*, March 23, 2006 by the USPTO.

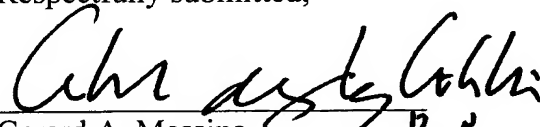
It is therefore respectfully submitted that the Notice of Appeal was a timely filed reply to the Office letter of September 19, 2005. As such, it is respectfully submitted that the Notice of Abandonment was issued in error. Applicants therefore respectfully petition under 37 C.F.R. § 1.181(a) for withdrawal of the holding of abandonment.

As this petition was necessitated by error of the USPTO, no fee is believed to be required in connection with this petition. However, the Commissioner is authorized to charge any fees that may be necessary in connection with this petition to the **deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600.**

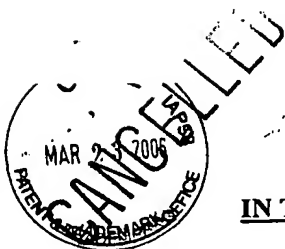
Respectfully submitted,

Date: October 23, 2006

By:


Gerard A. Messina
Reg. No. 35,952
P.P.
42,194

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[10191/2132]

ICW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : POCHMULLER, W. et al. Confirmation No.: 8281
Serial No. : 10/026,087
Title : DEVICE FOR DATA RECEPTION VIA RADIO SIGNALS IN
A MOTOR VEHICLE
Filed : December 21, 2001
Art Unit : 2673
Examiner : Amare Mengistu
Customer No. : 26646

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing or Transmission

I hereby certify that this Notice of Appeal is being deposited with the United States Postal Service as first class mail with sufficient postage addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: March 20, 2006

Signature: G. Messina

NOTICE OF APPEAL

SIR:

Applicants hereby appeal the Examiner's decision made in the Final Office Action dated September 19, 2005, finally rejecting claims 1-16.

Applicant also respectfully requests a **three-month extension of time** in which to file the Notice of Appeal from the final Office Action of September 19, 2005. The three-month extended period for response expires on March 20, 2006 (March 19, 2006 falls on a Sunday).

Applicant previously petitioned for a **one-month extension of time** and authorized payment of the associated fee with the filing of the Amendment dated January 18, 2006. Therefore, the fee for obtaining the three-month extension of time is believed to be \$900.00 (\$1,020 less \$120 already paid).

The Commissioner is hereby authorized to charge the payment of the 37 C.F.R. § 41.20(b)(1) Notice of Appeal fee of \$500.00, and to charge payment of the 37 C.F.R. § 1.136 (a) extension of time fee of \$900.00 to **Kenyon & Kenyon LLP**, Deposit Account No. 11-0600. Any additional fees deemed necessary should also be charged to Deposit Account No. 11-0600. An additional copy of this Notice is enclosed for that purpose.

03/24/2006 DEMHANU1 00000030 110600 10026087

01 FC:1401 500.00 DA
02 FC:1253 900.00 DA

Respectfully submitted,
KENYON & KENYON LLP

Dated: March 20, 2006

By: Gerard A. Messina
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NY01 1135754 v1



Case No. 101912132
Ser. No. 101026087

Atty. *gam* *P361324S*
Due Date 3/20/06

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

- ☐ Application
- ☐ Amendment
- ☐ Assignment
- ☒ Notice of Appeal
- ☐ Prior Art Statement
- ☐ Appeal Brief

- ☒ Extension Request
- ☐ Priority Document
- ☐ Issue Fee
- ☐ Declaration
- ☐ Small Entity

☒ *Dep acct 11-0600*

